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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,844	10/19/2000	James P. Slupe	10004382-1	6252
22879	7590	12/01/2004	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			CHAU, MINH H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/692,844

Applicant(s)

SLUPE ET AL.

Examiner

Minh H Chau

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-15 and 19-20 is/are rejected.
- 7) ☒ Claim(s) 16-18 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/19/2000.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of **Claims 11-21** in the reply filed on 09/15/2004 is acknowledged. The traversal is on the ground(s) that because the close relationship of the subject matter between two sub-classes 400/88 (claims 1-10) and 400/76 (claims 11-21), therefore, it is possible to make a search and examination of the entire application without serious burden upon the Examiner. This is not found persuasive because first, the subject matter of claims 1-10 is directly to the method or process for forming an image which can be practiced by another apparatus such as a handheld printer device that be able to performing the process of locating a imaging device adjacent to an object, while the subject matter of claims 11-21 is directly to a manual imaging system, which do not required the method steps of claims 1-10 in order to operate and second, although the two sub-classes 76 and 88 are under class 400, but the field of search are difference, therefore the search and examination of the entire application is a serious burden upon the Examiner. The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. **Claims 11-15 and 19-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Desormeaux (US # 6,312,124)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

**With respect to claim 11**, Desormeaux teaches a manual imaging system (Fig. 4) comprising an emitting device (62) configured to emit a signal, a receiving element (60) arranged to receive the signal, a memory to store image data (col. 6, line 43), a imaging mechanism (80) configured to place colorant onto an object according to data related to the image data and a processing device (40) arranged to receive a representation of the signal and configured to selectively send the data to the imaging mechanism using the representation and selectively receive the image data from the memory (see Figs. 1-4 and cols. 4-6).

**With respect to claim 12**, Desormeaux teaches a printer (60) comprising a controller (40) that controlling all the printing operation in the printer (60) and a print head mechanism for printing a color image on the object (cols. 4-5). In view of this teaching, it is clear to one of skill in the art that print head mechanism that taught by Desormeaux must include an interface for receive the print data and to generate a plurality of drive signal using the data in order to place the colorant onto the object.

**With respect to claim 13**, Desormeaux teaches a printer (60) configured to receive a signal through an infrared or other signal (col. 6, lines 24-26). In view of this teaching, it is clear to one of skill in the art that printer that taught by Desormeaux must include a converter coupled between the receiving element and the processing device to generate the representation of the signal from the signal where the representation includes a digital representation.

**With respect to claim 14**, see col. 6, lines 38-52 that teaches a display interface (inherent) arranged to receive image data from the processing device and configured to generate display data from the image data; and a display (84) to display an Image corresponding to the display data.

**With respect to claim 15**, see col. 6, lines 53+ and Fig. 4 that teaches the imaging head includes a first print head for placing cyan colorant onto the object, a second print head for placing magenta colorant onto the object, a third print head for placing yellow colorant onto the object, and a fourth print head for placing black colorant onto the object according to the plurality of drive signals.

**With respect to claim 19**, Desormeaux teaches a manual imaging system (Fig. 4) comprising a receiving element (inherent in the printer 60) arranged to receive a position signal (from the sensor 120); a memory to store image data (col. 6, line 43), an imaging head (80) configured to place ink onto an object according to a plurality of drive signals; an imaging head interface (inherent in the print head) arranged to receive data related to the image data and configured to generate the plurality of drive signals using the data; a processor (40) arranged to receive a representation of the position signal and configured to selectively send the data to the imaging head interface using the position signal and selectively receive the image data from the first memory (see cols. 4-7 of Desormeaux).

**With respect to claim 20**, see col. 6, lines 53+ and Fig. 4 that teaches the imaging head includes a first print head for placing cyan colorant onto the object, a second print head for placing magenta colorant onto the object, a third print head for placing yellow colorant onto the object, and a fourth print head for placing black colorant onto the object.

#### ***Allowable Subject Matter***

5. **Claims 16-18 and 21** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

**Claims 16, 17 and 21** have been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of an imaging system including a second sensor to measure an acceleration of the imaging head; a third sensor to measure an angle between an axis of the imaging head and the surface; and a multiplexer coupled between the converter and the receiving element to selectively connect the first signal, the second signal, or the third signal to converter.

**Claim 18** has been indicated for containing allowable subject matter because the prior art fails to teach the entire combination of an imaging system including the emitting device includes a first radiator located at a first position to radiate a first component of the signal and a second radiator located at a second position to radiate a second component of the signal; and the processing device includes a configuration to determine a position in space using the first component and the second component.

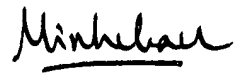
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh H Chau whose telephone number is (571) 272-2156. The examiner can normally be reached on M - TH 9:30AM - 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

MHC  
November 26, 2004



Minh H Chau  
Primary Examiner  
Art Unit 2854